S.B.Cr.Misc. II Bail App. No. 5962/2007
(Kailash Vs. State of Rajasthan)

Date of order : 08/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. S.S.Shaktawat for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

This is second bail application. The first bail application came to be dismissed as not pressed since the matter was at the investigation stage, however, the petitioner was granted liberty to file fresh bail application after filing of challan. Learned counsel for the petitioner submits that the investigation has been concluded and challan has been filed. He has placed on record the challan papers. I have perused the challan papers.

It is contended by learned counsel for the petitioner that the occurrence took place outside the house of the accused petitioner and it was the injured who picked up the quarrel.

On perusal of the site map and site inspection note as also statement of the injured, it appears that the occurrence has taken place outside the house of the petitioner.

Having regard to the facts and circumstances of the case and

having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Kailash S/o Kashiram be released on bail in FIR No. 350/07 P.S. Chanderia, district Chittorgarh, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP